



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

circumstances plaintiff was entitled to recover. Held, that the instruction was erroneous, since if plaintiff failed to exercise that ordinary care and caution to be expected of him under the circumstances, and such want of care contributed to the injury he was not entitled to recover.

3. Same—Evidence—Sufficiency.—In an action against a street railroad for injuries to one struck by a car while walking on the track in the nighttime, evidence considered, and held insufficient to warrant a finding of a failure of proper care to furnish necessary lights on the car.

4. Trial—Reopening Case After Close of Evidence.—The evidence for both parties having been closed there was no error in refusing to permit plaintiff to offer witnesses to prove facts concerning his case in chief, where it did not appear that the witnesses had been absent or ill, or that there was any surprise, accident, or mistake.

[Ed. Note.—For cases in point, see vol. 46, Cent. Dig. Trial, § 159.]

POPLIN'S ADM'X *v.* SOUTHERN RY. CO.

June 14, 1906.

[54 S. E. 45.]

1. Trial—Demurrer to Evidence—Determination.—Under the rule applicable to a demurrer to the evidence, the testimony of a witness discredited by two witnesses to whom he had made contradictory statements, and the testimony of a witness inconsistent in itself and in conflict with his testimony before a coroner's jury should be disregarded.

[Ed. Note.—For cases in point, see vol. 46, Cent. Dig. Trial, §§ 355, 356.]

2. Writ of Error—Record—Questions Presented—Pleading.—Where the evidence upon which a plea to the jurisdiction was overruled was not made a part of the record, the ruling was not reviewable on appeal.

[Ed. Note.—For cases in point, see vol. 3, Cent. Dig. Appeal and Error, § 2910.]